



*United States Attorney
Southern District of New York*

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**OWNERS AND OPERATORS OF MANHATTAN OFFICE BUILDING
TO PAY \$175,000 TO RESOLVE CIVIL RIGHTS LAWSUIT BY U.S.**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced today that the United States has filed in Manhattan federal court, and simultaneously settled, a civil rights lawsuit alleging that the owners and operators of a commercial office building in Manhattan violated the Americans with Disabilities Act by refusing to lease space to a non-profit social services organization because that organization planned to use the space to provide services to people with disabilities. A Consent Decree incorporating the terms of the settlement was approved today by United States District Judge SHIRA A. SCHEINDLIN.

In its complaint, the United States alleged that KAUFMAN REALTY CORP. and 460 WEST 34TH STREET ASSOCIATES (collectively, "KAUFMAN"), the owners and operators of a 21-story commercial office building located at 460 West 34th Street in New York City, discriminated against Sinergia, Inc. ("Sinergia"), a non-profit organization dedicated to serving low-income individuals with disabilities and their families, by refusing to lease available space in the building to Sinergia because Sinergia planned to use the space to run a day habilitation program for adults with mental retardation and developmental disabilities. Sinergia's day habilitation program assists in the development of social, recreational, vocational, and employment skills. According to the complaint, after Sinergia expressed its interest in leasing available space on the second floor of the 34th Street building, and after KAUFMAN sent Sinergia a draft of a lease for that space, an existing tenant in the 34th Street building objected to Sinergia's tenancy because of the use Sinergia intended to make of the space. The complaint alleges that, shortly after being notified of the existing tenant's objection, KAUFMAN informed Sinergia that it would not lease the space to Sinergia if Sinergia used any part of the space to operate its day habilitation program. According to the

complaint, KAUFMAN advised Sinergia that it would lease the space to Sinergia only if Sinergia agreed to use the space exclusively for its administrative offices. As a result of KAUFMAN's actions, the complaint alleges, Sinergia was forced to seek alternative space elsewhere and ultimately accepted less desirable space in another building.

Mr. GARCIA explained that the Americans with Disabilities Act prohibits not only discrimination against individuals with disabilities, but also discrimination directed against organizations that serve the disabled community.

Under the Consent Decree submitted to the Court, KAUFMAN agreed to pay Sinergia a total of \$175,000 in settlement of the government's claim for compensatory damages. KAUFMAN also agreed to the entry of a court order, punishable by contempt of court, prohibiting KAUFMAN from discriminating on the basis of disability, and, specifically, from refusing to lease commercial real estate to any organization because that organization serves individuals with disabilities. The Consent Decree also provides for a three-year period of monitoring and oversight by the Government to ensure compliance with federal law and the settlement agreement. In agreeing to the settlement, KAUFMAN did not admit any wrongdoing or liability.

Mr. GARCIA stated: "Discrimination against organizations serving the disabled community violates the Americans with Disabilities Act and will not be tolerated. This settlement demonstrates that those who deny disabled individuals, and the organizations that serve them, the equal opportunities guaranteed to them by law will be held accountable for the damage they cause."

Today's settlement resolves a complaint filed by Sinergia with the United States Department of Justice in August 2005. Mr. GARCIA explained that any member of the public who wishes to file a complaint alleging unlawful discrimination concerning any place of public accommodation within the Southern District of New York may use the Civil Rights Complaint Form available on the United States Attorney's Office's website, www.usdoj.gov/usao/nys.

Assistant United States Attorney ANDREW W. SCHILLING is in charge of the case.

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